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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,779	11/17/2003	Thomas G. Corbett	D5407-215	4558

25397 7590 10/26/2005

DUANE, MORRIS, LLP  
3200 SOUTHWEST FREEWAY  
SUITE 3150  
HOUSTON, TX 77027

EXAMINER
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GAY, JENNIFER HAWKINS

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,779

Applicant(s)

CORBETT, THOMAS G.

Examiner

Jennifer H. Gay

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 rejected under 35 U.S.C. 102(b) as being anticipated by Smyrl (US 3,913,675).

*Regarding claim 1:* Smyrl et al. discloses a gravel packing method that involves the following steps:

- Running in a packer **17** and a screen assembly **30**.
- Inserting a crossover assembly **19** that supports a wash pipe **159** at least in part into the packer.
- Providing a seat **20** on the crossover to accept an obstructing object **36** for setting the packer.
- Positioning the seat so that pressure can be built up on the object to a predetermined level without an effect from downhole pressure acting below the object on the seat (2:55-68).

*Regarding claim 2:* The method further involves providing at least one gravel outlet port **27** in the crossover and selectively obstructing, element **36**, the outlet port from downhole pressure when setting the packer.

*Regarding claim 3:* The method further involves locating the seat further downhole on the crossover than the outlet port (Figure 5).

*Regarding claim 4:* The method further involves providing a clearance in the bore of the packer as it is set and allowing a fluid column to act through the clearance during

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setting of the packer to exert pressure on the formation below the packer for resisting cave-ins into the wellbore.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill, Jr. et al. (US 2002/0195252, referred to hereafter as Hill).

*Regarding claim 1:* Hill discloses a gravel packing method that involves the following steps:

- Running in a packer **22** and a screen assembly **16**.
- Inserting a crossover assembly **50** that supports a wash pipe **60** at least in part into the packer.
- Providing a seat **90** on the crossover to accept an obstructing object **92** for setting the packer.
- Positioning the seat so that pressure can be built up on the object to a predetermined level without an effect from downhole pressure acting below the object on the seat (paragraph [0049]).

*Regarding claim 2:* The method further involves providing at least one gravel outlet port **94** in the crossover and selectively obstructing, element **92**, the outlet port from downhole pressure when setting the packer.

*Regarding claim 3:* The method further involves locating the seat further downhole on the crossover than the outlet port (Figure 2).

*Regarding claim 4:* The method further involves providing a clearance in the bore of the packer as it is set and allowing a fluid column to act through the clearance during setting of the packer (Figure 1) to exert pressure on the formation below the packer for resisting cave-ins into the wellbore.

*Regarding claim 5:* Hill discloses a gravel packing method that involves the following steps:

- Running in a packer **22** and a screen assembly **16**.
- Inserting a crossover assembly **50** that supports a wash pipe **60** at least in part into the packer.

- Moving the crossover from a first position (Figure 4A) for setting the packer to a second position (Figures 4D) after the packer is set.
- Depositing gravel outside the screen using circulation through the crossover when in the second position (paragraph [0053]).
- Maintaining the second position after depositing.
- Reversing excess gravel after the step of depositing by flowing fluid in a direction opposite to that during the deposition of the gravel bit isolating the reverse flow from passing through the screen (paragraph [0056]).

*Regarding claim 6:* The method further involves supporting the crossover in the second position so that ports **94** are open to provide fluid communication, in a first path, between the inside of the wash pipe and an annular space above the packer (Figures 11 and 12).

*Regarding claim 7:* The method further involves supporting the crossover in the second position so that gravel ports **29** are open to provide fluid communication, in a second path, through the crossover and to an annular space between the wash pipe and the screen and out to the outside of the screen.

*Regarding claim 8:* The method further involves providing unidirectional flow access, with a first check valve **90**, from inside the wash pipe to the annular space between the wash pipe and the screen.

*Regarding claim 9:* The method further involves preventing flow down the wash pipe toward the screen with a second check valve **117** that permits flow through the wash pipe coming from the screen.

*Regarding claims 10, 13:* The method further involves providing a shutoff valve **117** in the wash pipe to selectively close it while the crossover is in the second position and performing a squeeze operation with the shutoff valve in the closed position.

#### ***Allowable Subject Matter***

4. Claims 11, 12, 14, and 15 are allowed.

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5. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

6. In view of applicant's amendment, the objection to the abstract and claims 10 and 15 has been withdrawn.

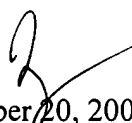
7. Applicant's arguments, filed 16 September 2005, with respect to the rejection(s) of claim(s) 1-10 and 13 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Smyrl and Hill.

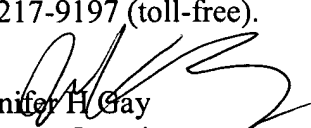
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHG   
October 20, 2005

  
Jennifer H. Gay  
Primary Examiner  
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